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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,302	11/14/2000	Christopher J. Smith	046700-5044	8621

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MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

EXAMINER

MILLIN, VINCENT A

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712302

Applicant(s)

Smith

Examiner

Alex, G

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/14/00
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-30 are rejected under 35 USC 103(a) as unpatentable over ThoughtBridgeNetwork.Com(1977) in view of Shoham(US Pat. No: 6,285,989).

2. As per claims 1-30 ThoughtBridgeNetwork.Com(1977)("T") teaches sale or lease auctions(page 1). T also teaches(p 2) domains are available for sale or lease using bidding methods.Shoham teaches a universal online trading market(Abstract)(col 4 line 36-55) as well as utilizing a proxy bidder(Fig 1/508) operating over the internet(Fig 1/160) using a web server(Fig 1/162) communicating with an application program interface(Fig 1/510).Shoham also teaches a transaction monitor(Fig 5/410) utilizing general services(Fig 5/420) and market specific services(Fig 5/430) and databases concerning rules(Fig 5/460) and global market data(Fig 5/470).Shoham also teaches a legacy system(Fig 6/138)and a universal trading console(col 10 lines 26-67) as well as market actors(col 14 lines 4-36).Shoham teaches setting market rules(leases or buys) processing bids and handling events(Fig 7). It would have been obvious to combine ThoughtBridgeNetwork in view of Shoham to teach the disclosure. The motivation to combine is to teach a versatile toolkit which can deploy a wide range of online markets which is able to modify the rules of these markets as enunciated by Shoham(col 4 lines 29-34).

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Claim Rejections - 35 USC § 112

3. Claims 1-7,9,13 are rejected under 35 USC 112(2nd) for failing to point out and distinctly claim what applicant regards is the invention.

Claim Rejections - 35 USC § 101

4. Claims 16-30 are rejected under 35 USC 101 for failing to define a concrete, useful and tangible result.

Conclusion

5. **THIS ACTION IS MADE NON-FINAL.**

6. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

March 4, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER